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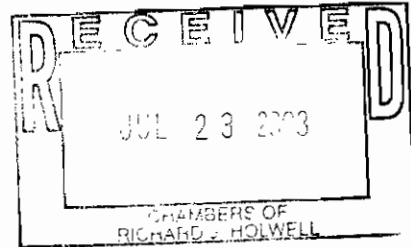
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July 22, 2008

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Hon. Richard J. Holwell
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1950
New York, NY 10007

USDC SDNY
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Re: Pena et al. v. SP Payroll, Inc., et al.
Index No. 1:07-cv-07013-RJH

Dear Judge Holwell:

We represent the Plaintiffs in the above-referenced matter. We write to respectfully suggest an amendment in the briefing schedule for the Motion for Partial Summary Judgment filed by Defendants on 7/14/2008. Under the Court's scheduling Orders of 4/30/08 and 5/20/08, Plaintiffs' deadline to file responsive papers is 8/11/08.

Plaintiffs filed a Motion to Amend on 7/12/08 after counsel for the parties were unable to agree on a stipulated Amended Complaint. Defendants' Motion for Partial Summary Judgment is based in part upon arguments that will likely be mooted should Plaintiffs' application be granted. Therefore, Plaintiffs respectfully submit that the Court extend the deadline for Plaintiffs to file responsive papers to Defendants' Motion for Partial Summary Judgment until after such time as Plaintiffs' Motion to Amend is decided. Further, Plaintiffs anticipate that Defendants may also wish to alter their Motion for Partial Summary Judgment depending on the outcome of Plaintiff's Motion to Amend.

Therefore, Plaintiffs respectfully submit that it will be far more efficient to decide Plaintiffs' Motion to Amend first, and then allow Defendants the opportunity to submit new summary judgment motion papers should it be necessary, rather than have the parties brief issues that may be mooted.

Very truly yours,

Application Denied
SO ORDERED
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Michael Faillace [MF-8436]

cc: Peter Arnold Walker, Esq. / VIA Facsimile: (212) 218-5526